

REMARKS

Reconsideration of the rejections set forth in the Office action mailed March 19, 2004 is respectfully requested. Claims 28, 30, 32-41, 43 and 45-48 are pending. Claims 41, 43 and 45-48 are rejected. Claim 49 is new. Claims 28, 30, and 32-40 have been found free of the prior art.

I. Amendments

Claims 41 and its dependent claims (43 and 45-48) have been amended to recite a method of (i) providing a stent containing a morpholino antisense compound and (ii) contacting a vascular injury site in a human patient with the stent, to reduce restenosis at the site. Support is found, for example, at page 13, lines 9-16 of the specification. Support for new claim 49 is found at page 13, lines 10-12 of the specification.

In addition, the dependency of claims 45-47 is corrected to depend from the independent claim.

No new matter is added by any of the amendments.

II. Rejections under 35 U.S.C. §103(a)

Claims 41 and its dependent claims (43 and 45-48), directed to a stent, were rejected under 35 U.S.C. §103(a) as being unpatentable over Zalewski *et al.*, U.S. Patent No. 6,159,946, in view of Kobayashi *et al.* (*Osaka Daigaku Zasshi* 47(6-12), Abstract, 1995), Summerton *et al.* (U.S. Patent No. 5,378,841), Agrawal *et al.* (U.S. Patent No. 5, 912,332), and Burger (WO 98/46740), for reasons of record. The Examiner asserted that the claims encompassed a device that could be used in a non-human subject.

As noted above, these claims have been amended to recite a method which comprises (i) providing a stent containing a morpholino antisense compound and (ii) contacting a vascular injury site in a human patient with the stent. Applicants submit that these claims are allowable over the prior art of record for the reasons presented earlier with respect to claim 28 and its dependent claims; i.e. in view of unexpected results demonstrated with administration of a phosphorodiamidate morpholino compound comprising SEQ ID NO: 1 for treatment of a human patient.

Accordingly, the applicants respectfully request that the rejections of these claims under 35 U.S.C. §103(a) be withdrawn.

III. Conclusion

In view of the foregoing, the applicant submits that the claims now pending are now in condition for allowance. A Notice of Allowance is, therefore, respectfully requested.


Applicants reserve the right to pursue the subject matter of previous claim 41 in further applications. Applicants also reserve the right to pursue subject matter further disclosed or more broadly disclosed in the specification as filed, e.g. at page 6, second paragraph, or page 7, first full paragraph, in continuing applications.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4403.

Respectfully submitted,

Date:

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